

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

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- and -

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(212) 725-4600
Attorneys for Defendants

-----x ***Electronically Filed***
N.V.E., Inc. Hon. Claire C. Cecchi :
Plaintiff, : Civil Action No. 06-6290 (SRC)
vs. :
FRANK HUERTA AND FRANK TURNER : NOTICE OF MOTION
D/B/A NETNUTRI.COM, : TO SEAL MATERIALS
: **Motion Date: 06/11/2010**
Defendants.
-----x

PLEASE TAKE NOTICE that, upon the Certification of Jeffrey M. Rubin, Esq., dated June 11, 2010, Defendant Frank Huerta will move this Court before the Honorable Claire Cecchi, United States Magistrate Judge, in the Martin Luther King, Jr. Federal Building and Courthouse at 50 Walnut Street, Newark, NJ, 07101, on June 14, 2010, at 10:00 a.m., for:

1. The entry of the proposed "discovery confidentiality order," annexed hereto as Exhibit A, to provide that the protective order, dated June 10, 2010, the exhibits thereto, and the

letter application, dated June 7, 2010, upon which it is based, which are presently under the temporary seal, remain under permanent seal; and

2. Granting such other and further relief as the Court deems just and reasonable.

Dated: New York, New York
June 11, 2010

Respectfully submitted,

/s Joseph V. Sorrentino
JOSEPH V. SORRENTINO, ESQ.

UNITED STATES DISTRICT COURT FOR THE
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N.V.E., Inc. Hon. Claire C. Cecchi :
Plaintiff, : Civil Action No. 06-6290 (SRC)
vs. :
FRANK HUERTA AND FRANK TURNER : CERTIFICATION IN SUPPORT
D/B/A NETNUTRI.COM, : OF DISCOVERY
Defendants. : CONFIDENTIALITY ORDER
: TO SEAL MATERIALS
-----x

JEFFREY M. RUBIN, pursuant to Title 28, United States Code, section 1746, hereby certifies under penalty of perjury:

1. The undersigned submits this certification in support of this application for the entry of a Discovery Confidentiality Order.
2. The documents sought to be subject to the confidentiality order are the Protective Order, dated June 10, 2010, the exhibits thereto, and the letter application upon which it is based,

dated June 7, 2010, which are presently filed with the Court subject to a temporary seal, pursuant to the Court's Order, dated June 10, 2010.

3. The nature of the materials to be kept confidential are the identities of defendants' confidential business contacts, clients and business practices.

4. Defendants have established, cultivated and nurtured their business over many years, growing it into the enterprise that it is today. If this information were to be made available to the public, it could be used by defendants' existing and would-be competitors to copy defendants' confidential business practices and unfairly lure away from defendants their customers and vendors to the detriment of defendants' business. All of the above would provide defendants' existing and would-be competitors with an unfair advantage in a market that defendants' have worked very hard for many years to become successful.

5. It is respectfully submitted that based on the foregoing, defendants have a legitimate private interest that warrants confidentiality.

6. Plaintiff's counsel has been advised of this application and consents to the entry of the Discovery Confidentiality Order sought herein.

WHEREFORE, it is respectfully requested that the Discovery Confidentiality Order, annexed hereto as Exhibit A, be entered by the Court.

The undersigned declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
 June 11, 2010

/s Jeffrey M. Rubin
Jeffrey M. Rubin

EXHIBIT A

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

N.V.E., INC., :
Plaintiff, :
vs. : Civil Action No. 06-6290-SRC-CCC
FRANK HUERTA AND FRANK TURNER :
D/B/A NETNUTRI.COM, :
Defendants. :
: **DISCOVERY CONFIDENTIALITY
ORDER**
:

THIS MATTER having come before the Court by way of motion, dated June 11, 2010, pursuant to Local Civil Rule 5.3, to obtain a discovery confidentiality order concerning the previously entered Protective Order, dated June 10, 2010, the exhibits thereto, and the application upon which it is based, dated June 7, 2010,

IT IS on this ____ day of June, 2010

ORDERED that the Clerk shall maintain the Protective Order, dated June 10, 2010, the exhibits thereto, and the application upon which it is based, dated June 7, 2010, under permanent seal.

HON. CLAIRE C. CECCHI,
United States Magistrate Judge